STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON Ray D. Fowler, Plaintiff, vs. Pilot Travel Centers, LLC, d/b/a Pilot Flying J- 3008 Charleston Highway, Cayce, South Carolina, Myra Lashay Dixon, Tyrell Anthony Bates, and Rico Shamar Sellers, Defendants.	IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CENTER CIVIL ACTION NO.: 2019-CP-32-00607 **ORDER GRANTING MOTION FOR SUMMARY JUDGMENT**

I. INTRODUCTION:

This matter comes before the Court on Motion of Defendants Pilot Travel Centers, LLC, d/b/a Pilot Flying J-3008 Charleston Highway, Cayce, South Carolina ("Pilot') and Myra Lashay Dixon ("Dixon") for summary judgment pursuant to Rule 56 of the South Carolina Rules of Civil Procedure. Defendants Pilot and Dixon have moved on the following grounds among others:

1. Plaintiff has failed to present evidence sufficient to raise a genuine issue of material fact that Pilot or Dixon owed him any duty or breached any duty owed; and/or

2. Plaintiff assumed the risk of his alleged injuries as a matter of law, and therefore, Plaintiff is barred from recovery against Pilot or Dixon; and/or

3. Plaintiff has failed to present any evidence establishing that his injuries were proximately caused by any negligent act or omission on the part of Pilot or Dixon as a matter of law.

II. STATEMENT OF THE CASE

This case arises from a physical altercation that occurred on May 20, 2018, directly outside the front entrance of a Pilot Travel Center located in Lexington County. This physical altercation began between Defendant Dixon, the on-duty manager at the Pilot Travel Center at that time, and

Defendant T.J. Bates ("Bates"), an off-duty employee who had come to the Pilot premise that morning with several women and another off-duty employee, Defendant Rico Sellers ("Sellers").

Bates and the others had created a disturbance inside the Pilot facility at the Wendy's restaurant section that is located inside of the Pilot premises. Myra Dixon called law enforcement for assistance. At this time Bates and Sellers left the inside of the Pilot facility. Dixon informed Bates and Sellers that they needed to leave the Pilot premises because law enforcement was on the way to the Pilot facility. Bates attempted to re-enter the station. As Dixon tried to prevent Bates from reentering, she was struck by Bates.

A physical altercation then continued between Bates and Dixon. Employees in the area went to break up the fight. After the altercation began, the Plaintiff Fowler, who had come to the station along with a co-worker on the way to their jobs, was standing near where this fight began. When he saw Sellers appear to be ready to strike Dixon, the voluntary decision to get involved in the altercation because he believed that a man should not strike a woman. He tackled Sellers, the companion of Bates, in an alleged effort to protect "female employees" that he believed about to be attacked. Sellers ended up breaking Plaintiff's leg in the course of the physical altercation.

Plaintiff Fowler has brought a negligence action against Pilot and its employee Dixon, as well as Bates and Sellers. As to Pilot and Dixon, Plaintiff alleges that the negligence of those two Defendants proximately caused his injuries. Plaintiff also brought a negligent hiring claim against Pilot. Finally, Plaintiff has asserted a negligence cause of action against Bates and Sellers. Apparently, neither Bates nor Sellers have made an appearance in this case.

On the day of the altercation, Plaintiff Fowler had ridden to the Pilot Travel Center with his friend and co-worker, Ralph Farmer. Farmer stopped at the Pilot facility on the way to work so that he could get coffee. Plaintiff and Farmer would regularly stop at the travel center on their

way to work. Fowler testified that on this particular occasion he did not go inside the store. He remained outside the Pilot facility to smoke a cigarette.

There is surveillance video taken from inside the travel center of the events which vividly depicts the events leading up to and following the subject incident. Based on a review of the surveillance footage, the witness statements provided to the Cayce Police Department and the testimony in this case, the following details the events leading up to the altercation are shown:

Bates and Sellers entered the Wendy's at the Pilot facility. Shortly thereafter, an unidentified customer wearing a green shirt ("green shirt guy") entered the front entrance of the travel center and walked to the Wendy's. He ordered food. Three unidentified women entered the front entrance of the travel center and walk to the Wendy's. Based on the surveillance video, it appears that the green shirt guy is trying to talk with the three women. It appeared that the women get in some sort of disagreement with the green shirt guy which appeared to escalate. The green shirt guy appeared to throw a French fry in the direction of the women. Almost immediately after the green shirt guy throws the French fry at the women, Dixon enters the Wendy's restaurant portion of the premises. She appeared to spend a short time talking to the green shirt guy and the women.

Bates, Sellers, the women and green shirt guy then walked outside. Dixon followed them out of the travel center to apparently tell them to leave the premises because the police were on the way. Bates then appeared to strike Dixon and attempted to re-enter the Pilot facility through the front door. Dixon then turned to grab Bates' shirt to prevent him from re-entering the store. At this point Bates turns around and tackles Dixon to the ground. When this occurred, numerous employees are seen attempting to get Bates off Dixon.

Plaintiff testified he was in the process of getting into the passenger seat of Farmer's car when he allegedly saw Sellers drawing back his fist as if to hit a female employee. Plaintiff Fowler then tackled Sellers allegedly to prevent Sellers from hitting unidentified "female employees". Plaintiff ultimately winds up sustaining a broken leg.

Plaintiff testified that he voluntarily made the decision to get involved in the fight, knew that he could get hurt and that it was a risk. He testified I didn't care if I got hurt," and that "I'm intelligent. I know you can get hurt in a fight." Plaintiff also testified that at no point did Bates or Sellers threaten or attack him prior to his decision to get involved in the altercation.

III. STANDARD OF REVIEW

Summary judgment is appropriate when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *See* Rule 56(c), SCRCP; *See Osborne v. Adams*, 346 S.C. 4, 7, 550 S.E.2d 319, 321 (2001). The party seeking summary judgment bears the initial burden of demonstrating the absence of a genuine issue of material fact for trial. Rule 56 mandates the entry of summary judgment after adequate time for discovery against a party who fails to make a showing sufficient to establish the existence of an element essential to the party's case and on which that party will bear the burden of proof at trial. *See Carolina Alliance for Fair Employment v. S.C. Dept. of Labor, Licensing, & Regulation*, 337 S.C. 476, 485, 523 S.E.2d 795, 800 (Ct. App. 1999).

In considering whether summary judgment is appropriate, the "court must construe all ambiguities, conclusions, and inferences arising from the evidence against the moving party." *City of Columbia v. Town of Irmo*, 316 S.C. 193, 195, 447 S.E.2d 855, 856 (1994). "For purposes of summary judgment, an issue is 'material' if the facts alleged are such as to constitute a legal defense or are of such a nature as to affect the result of the action." *Nelson v. Piggly Wiggly*

Central, Inc., 390 S.C. 382, 388, 701 S.E.2d 776, 779 (Ct. App. 2010) (quoting *PPG Indus., Inc. v. Orangeburg Paint & Decorating Ctr., Inc.*, 297 S.C. 176, 179, 375 S.E.2d 331, 332 (Ct. App. 1988)). A plaintiff, however, cannot create a genuine issue of fact through mere speculation. *See, Hoard ex rel. Hoard v. Roper Hosp. Inc.*, 387 S.C. 539, 549, 694 S.E.2d. 1, 6 (2010). Importantly, the nonmoving party may not rest on the allegations of the complaint, without more, to overcome the motion but must demonstrate by other evidence that a genuine issue of fact exists. S*ee, Klippel v. Mid-Carolina Oil, Inc.*, 303 S.C. 127, 399 S.E.2d 163 (Ct. App. 1990); *see also Dyer v. Moss*, 284 S.C. 208, 325 S.E.2d 69 (Ct. App. 1985).

IV. FINDINGS

A. Summary Judgment is appropriate because no duty was owed, or breached if owed, to Plaintiff Fowler where he assumed the risk of voluntarily entering into an ongoing physical altercation when Defendant Bates attacked Defendant Dixon.

Defendants Pilot and Dixon are entitled to summary judgment because no duty of care was owed to protect Plaintiff from the risk of severe bodily injury inherent in a fight when he voluntarily decided to enter alternation after Defendant Bates attacked Defendant Dixon and assume the risk of his injury. Under South Carolina law, assumption of the risk is divided into two branches: implied and express. *See Davenport v. Cotton Hope Plantation Horizontal Prop. Regime*, 333 S.C. 71, 79, 508 S.E.2d 565, 569 (1998). Implied assumption of the risk arises when a plaintiff implicitly "assumes known risks." *Id.* at 800-801, 508 S.E.2d at 570.

Mr. Fowler testified in his deposition that:

Q. * * * [I]s it your testimony that you got involved in the altercation to help protect Ms. Dixon?

A. I was raised to no let no man hit a woman.

Q. Okay.

A. I was in the altercation because there was women involved against men.

Q. Okay.

A. I was raised not to allow that.

(Deposition of Fowler, p. 110, l.17-25.)

Earlier in his deposition Mr. Fowler testified:

Q. …So you tackled Mr. Sellers before he hit anyone; is that correct?

A. Yes, sir.

Q. Okay. Prior to tackling Mr. Sellers, did he threaten you?

A. No, sir.

Q. Okay. Prior to attacking Mr. Sellers, did he attack you in any way?

A. No, sir.

Q. All right. Prior to attacking Mr. Sellers, did Mr. Bates threaten you?

A. No, sir.

Q. Prior to tackling Mr. Sellers, did Mr. Bates attack you in any way?

A. No, sir.

Q. You made the decision to get involved in the altercation, correct?

A. When they were harming ladies, yes, sir.

Q. …And you knew that you can get hurt when you decided to get involved in that altercation, correct?

A. I didn't care if I got hurt. The women weren't going to.

Q. But you knew that was a risk, right?

A. Yes, sir.

Q. Okay. And you decided to get involved in the altercation understanding the risk of getting injured, correct?

A. I really didn't think of it that way.

Q. But you knew you could get hurt by getting involved in a – in a fight?

A. I – yes, sir. I'm intelligent. I know you can get hurt in a fight.

(Deposition of Fowler, p.92, l. 21 to p.94, l. 3)

Within the doctrine of implied assumption of the risk, South Carolina courts have further divided the law into two categories: primary and secondary. *See Davenport, supra.* Primary implied assumption of the risk arises when "the plaintiff impliedly assumes those risks that are *inherent* in a particular activity." *Id.* The "inherent" risks of an activity "should be determined 'by

examining the objective factors * * * not on the subjective expectations of the parties.'" *Cole v. Boy Scouts of America*, 397 S.C. 247, 253, 725 S.E.2d 476, 479 (2011) (quoting *Landrum v. Gonzalez,* 257 Ill. App. 3d 942, 629 N.E.2d 710, 714 (1994)). Primary implied assumption of the risk "is not a true affirmative defense, but instead goes to the initial determination of whether the defendant's legal duty encompasses the risk encountered by the plaintiff." *Id.* (citing Prosser & Keeton, §68 at 496). As in all negligence cases, if the Court finds that a legally recognized duty does not exist, the Defendants are entitled to judgment as a matter of law. *See Hurst v. East Coast Hockey League,* 371 S.C. 33, 37, 637 S.E.2d 560, 562 (2006).

In *Hurst v. East Coast Hockey League* ("*Hurst*"), the South Carolina Supreme Court affirmed the trial court's grant of summary judgment under the doctrine of implied primary assumption of the risk. In that case, plaintiff was a spectator at a professional hockey game. *See id.* at 35-36, 637 S.E.2d at 561. While watching warmups, a puck entered the stands and struck plaintiff in the face; plaintiff sued alleging negligence on the part of the hockey league. The court found that defendant did not owe plaintiff a duty to protect him from flying hockey pucks because that risk "is inherent to the game of hockey and is also a common, expected, and frequent risk of hockey." *Id.* at 38, 637 S.E.2d at 562-3.

In another case, *Cole v. Boy Scouts of America* ("*Cole*"), 397 S.C. 247, 253, 725 S.E.2d 476, 479 (2011), the South Carolina Supreme Court affirmed the trial court's grant of summary judgment in a similar analysis to that in *Hurst*. In that case, plaintiff was playing catcher in a pick-up game of softball with his son's Cub Scout troop. *See Cole*, at 249-250, 725 S.E.2d 476, 477. Plaintiff's injury occurred when another father rounded third base too quickly and failed to stop before reaching home, causing a collision at the plate with plaintiff. Plaintiff suffered serious trauma from the collision and brought suit against the landowner and Cub Scouts. In upholding

the circuit court's grant of summary judgment, the Supreme Court noted that collisions at home plate are "common" in softball and thus were an inherent risk assumed by plaintiff. *Id.* at 254, 725 S.E.2d 476, 480. The court also rejected the notion that the doctrine should be applied differently as to amateur or professional activities.

Other courts have found a plaintiff's decision to voluntarily join a fight carries the assumed risk of severe bodily injury sufficient to bar a negligence suit. For example, Georgia courts have held "that an adult of ordinary intelligence assumes the risk of possible injury when he deliberately and voluntarily joins in a fight, or enters into a fight for the purpose of breaking it up." *Carter v. Scott*, 320 Ga. App. 404, 408, 750 S.E.2d 679, 681 (2013) (citing *Cornelius v. Morris Brown College,* 299 Ga. App. 83, 86(3), 681 S.E.2d 730 (2009); *Fagan v. Atnalta, Inc.,* 189 Ga. App. 460, 462, 376 S.E.2d 204 (1988)).

In *Fagan*, a patron brought this tort action for injuries received when he attempted to assist a female bartender involved in an altercation. The patron contended that the bar was negligent in failing to provide for the safety, security, and welfare of its patrons in the absence of security personnel or even a male employee, and that a history of assault incidents and violent patrons at the bar were evidence of a lack of care owed under Georgia law. The bar argued that the patron had equal knowledge of the prior assaults and voluntarily assumed the risk incident to the known condition. The court affirmed the grant of the bar's motion for summary judgment finding on the ground that the patron voluntarily assumed the risk of injury. He had a clear choice of alternative actions, and chose to voluntarily assist two female employees attempting to remove four rowdy male patrons from the premises. He had the opportunity to measure the risk and testified that he was aware he would be in "big trouble" if a fight evolved from the confrontation. The patron saw and recognized the risk and deliberately interjected himself into the affray.

Here, Defendants Pilot and Dixon are entitled to summary judgment because no duty was owed to the Plaintiff once he became a voluntarily participant in a fight—an activity that inherently involves risk of severe bodily harm. Like the activities in *Cole* (softball), *Hurst* (hockey), and *Fagan* (bar fight) the activity of fighting involves the inherent risk of injury by forcible contact from an opponent. In a fight, the intent of the parties involved is to inflict harm upon the other by physically striking them. Violent contact is unavoidable in a fight; bodily injury can be expected. Regardless of Plaintiff's subjective intent in joining the fight, the objectively violent nature of a fight is clear to all. Moreover, Plaintiff acknowledged a subjective understanding of the inherent dangers of fighting. At his deposition, Plaintiff stated: "I'm intelligent. I know you can get hurt in a fight." (Fowler Depo. p. 94; l. 2 & 3). Thus, the activity of fighting carries an objective and inherent risk of severe bodily harm.

Also, Plaintiff in this matter knew and was aware that of a physical altercation before he intervened. At his deposition, Plaintiff stated that he saw one of his assailants "grab one of the females * * * [a]nd dr[a]w back to hit her." (Fowler Depo. p. 91; l. 19-22)). The assailant "had her with one hand, and his fist was balled up, drawn back." (Fowler Depo. p. 92; l. 3 to 6). Furthermore, Plaintiff states that he got involved in the altercation because "[he] was raised to not let no man hit a woman." (Fowler Depo. p. 92; l.8). Thus, Plaintiff understood a fight was about ready to ensue before he got involved. Plaintiff also admitted that he was not asked to join in the fight and that he joined on his own volition. (Fowler Depo. p. 117; l. 21 23).

Therefore, because Plaintiff voluntarily engaged in the subject fight, because the risk of severe bodily harm is inherent in the activity of fighting, and because Plaintiff knew that a fight was about to occur, Defendants are entitled to summary judgment as to Plaintiff's claims of

negligence because the duty of care did not extend to prevent his injuries under the doctrine of primary implied assumption of the risk.

B. Summary Judgment is appropriate because Plaintiff's voluntary act in joining the subject fight bars suit under the doctrine of secondary implied assumption of the risk.

Even assuming that the Defendants Pilot and Dixon owed Plaintiff a duty to protect against the risks inherent in a fight, summary judgment is still warranted because Plaintiff knowingly exposed himself to the dangers of bodily harm by voluntarily joining the subject fight. Secondary implied assumption of the risk is a "true defense," meaning is it only asserted after plaintiff makes a *prima facie* claim of negligence. *Cunningham ex rel. Grice v. Helping Hands, Inc.*, 352 S.C. 485, 491, 575 S.E.2d 549, 552 (2003). Unlike under primary implied assumption of the risk, secondary implied assumption of the risk focuses on the actions of the plaintiff, asking whether they "knowingly encountered a risk created by the defendant's negligence." *Davenport*, at 82, 508 S.E.2d 565, 571. Secondary implied assumption of the risk applies where "defendant's acts alone creat[e] the danger and caus[e] the accident with the plaintiff's act being that of voluntarily exposing himself to such an obvious danger with appreciation thereof which resulted in the injury." *Cunningham*, at 492, 575 S.E.2d 549, 552.

In *Singleton v. Sherer*, the South Carolina Court of Appeals affirmed the trial court's decision to bar a plaintiff's negligence suit, even after the adoption of comparative fault, under an assumption of the risk theory. 377 S.C. 185, 659 S.E.2d 196 (2008). In that case, plaintiff, a licensee, was bitten by a domesticated raccoon while at the home of the defendants. *See id.* at 193, 695 S.E.2d at 200. Plaintiff was asked by his father to meet him at the home of the defendants because the raccoon, which appeared in a "disheveled" condition, bit someone. *Id.* Plaintiff, going against the directions of his father, went into defendant's home alone and attempted to soothe the raccoon, which promptly bit plaintiff on the hand. *Id.* Plaintiff sued defendant homeowners, and

the trial court granted defendant's motion for summary judgment due to, among other things, plaintiff's assumption of the risk in confronting the disheveled raccoon. *Id.*

In holding that plaintiff's suit was barred under assumption of the risk, the court found that plaintiff "voluntarily exposed himself to a known danger which he understood and appreciated" and admitted was "pretty stupid" in confronting the raccoon. *Id.* at 207, 659 S.E.2d at 208. The court found that plaintiff's suit was bared as his "negligence exceeded fifty percent." *Id.*

Here, even assuming that Plaintiff can present a *prima facie* claim of negligence against Defendants Pilot and Dixon, Plaintiff's claims should still be barred as a matter of law because Plaintiff's voluntary choice to join the fight carried a known risk of sustaining severe bodily harm which far exceeded any slight negligence on the part of Defendants. The case at bar is akin to that in *Singleton*. Considering many of the same facts as set forth in Section A. above, Plaintiff here voluntarily exposed himself to the known and appreciated danger of severe bodily harm in joining the subject fight, much like the plaintiff in *Singleton* who voluntarily exposed himself to the known danger of injury associated with confronting a disheveled raccoon. Plaintiff here was not initially confronted by Defendants Bates and Sellers, but instead only became the target of their assault once he voluntarily intervened in the fight. At his deposition, Plaintiff admitted that joining the fight was his voluntary decision. (Fowler Depo. p. 92, l. 24 to p. 93, 20). Plaintiff voluntarily joined the fight knowing that "you can get hurt in a fight." (Fowler Depo. p. 94; l. 2 & 3). While well intentioned, Plaintiff's injuries are the result of his unsolicited effort to protect Defendant Dixon, rather than any alleged negligence of Defendants Pilot and Dixon.

As an additional similarity to *Singleton*, just as the plaintiff there could have remained in a place of safety outside of defendant's home and avoided contact with the raccoon, Plaintiff here could have remained safe by staying in the smoking area and avoiding physical confrontation with

Defendants Bates and Sellers. Plaintiff here only faced harm, and sustained injury, once he involved himself in the fight; Plaintiff would have been unharmed had he not intervened. And, by comparison, any alleged negligence on the part of the Defendants Pilot and Dixon was slight, if any. Defendant Dixon, after attempting to amicably remove Defendants Bates and Sellers from the gas station, took extraordinary measures to protect customers by forcing Bates and Sellers out of the gas station, physically restraining them from reentering, and calling the police before any physical confrontation began. (See the description by Fowler found in his Depo. pp. 114-120).

Plaintiff cites a provision in the Field Operations Team Handbook of Pilot which prohibits "loitering or off-duty 'hanging out' at on in a [Pilot Flying J] facility whether the Team Member is on or off duty" as a basis for contending Pilot should be liable to him. This provision of the Field Operations Team Handbook does not create a private cause of action or grounds for a non-employee suing for because of alleged lack of enforcement of this policy. *Doe v. Wal-Mart Stores, Inc.*, 393 S.C. 240, 248, 711 S.E.2d 908, 912 (2011); *Doe v. The Citadel*, 421 S.C. 140, 148-49, 805 S.E.2d 578, 582-83 (Ct. App. 2017) (holding that internal policies do not establish a voluntary undertaking of a duty; rather, they can only serve as evidence of the standard of care if the duty was established by law.) Moreover, Plaintiff was not injured by the mere alleged loitering or hanging out of a person at a PFJ facility. He was injured by voluntarily participating in a fight after a non-working employee and a customer were asked to leave the premises, that is, after the manager sought to enforce the policy.

Therefore, even assuming Plaintiff has made a *prima facie* case of negligence, summary judgment is still appropriate in this case under the doctrine of secondary implied assumption of the risk because Plaintiff's voluntary decision to join the fight with the subjective understanding that severe bodily harm was an inherent risk was negligent, in excess of fifty percent liability, and

Defendants' negligence (if any) was slight. Moreover, the facts show that Defendants Pilot and Dixon acted reasonably under the circumstances.

C. Summary Judgment is appropriate as to Plaintiff's claim that Defendant Pilot Travel Centers is vicariously liability for the actions of Bates and Sellers

Summary judgment is appropriate as to Plaintiff's claims of vicarious liability because Defendants Bates and Sellers were not acting within the scope of their employment at the time of the subject fight. Under South Carolina law, a plaintiff may only hold an employer vicariously liable for the tortious conduct of their employees when "the [employee] is acting about the [employer]'s business, within the scope of his employment." *Lane v. Modern Music, Inc.*, 244 S.C. 299, 305, 136 S.E.2d 713, 716 (1964). An employee is acting within the scope of his employment when he is "doing some act in furtherance of the master's business." *Kase v. Ebert*, 392 S.C. 57, 61, 707 S.E.2d 456, 458 (Ct. App. 2011) (quoting *Jones v. Elbert,* 211 S.C. 553, 558, 34 S.E.2d 796, 798–99 (1945)). Conversely, "[i]f the servant acts for some independent purpose of his own, wholly disconnected with the furtherance of his master's business, his conduct falls outside the scope of his employment." *Kase*, at 61, 707 S.E.2d 456, 458 (quoting *Crittenden v. Thompson–Walker Co.,* 288 S.C. 112, 116, 341 S.E.2d 385, 387 (Ct. App. 1986)).

Here, despite Defendants Bates and Sellers being employees of Defendant Pilot, Defendant Pilot is not vicariously liable for Defendants Bates and Sellers actions, because they were off duty and acting outside of the scope of their employment. Both Bates and Sellers were off duty, after a night of drinking, and both appeared on the premises to get food from the Wendy's. None of those facts support a conclusion that Defendants Bates or Sellers were on the premises in furtherance of serving the master's business. By all indications, Defendants Bates' and Sellers' purpose for being on the premises that morning was solely for the personal reason of getting food from the Wendy's.

On the morning of the incident, Defendants Bates and Sellers were no different from any other invitee who may have entered the premises to buy something from the Wendy's or the gas station.

Therefore, Defendant Pilot is entitled to summary judgment with respect to Plaintiff's claims of vicarious liability because Plaintiff has failed to produce any evidence that Defendants Bates and Sellers were acting within the scope of their employment during the subject fight.

D. Summary Judgment is appropriate as to Plaintiff's claim that Defendant Pilot Travel Centers was negligent in hiring Defendants Bates and Sellers

Plaintiff Fowler has admitted that he has no facts to support his claims on negligent hiring on the part of Defendant Pilot, and has presented to facts to support that cause of action. Plaintiff did not opposed the entry of summary judgment as to the negligent hiring cause of action.

V. CONCLUSION

After considering the arguments and the memorandum of counsel, the depositions and other documents submitted, for the reasons set forth herein, the court grants the motion of Defendants Pilot and Dixon for summary judgment. Accordingly, this matter is dismissed and forever ended as to Defendants Pilot Travel Centers, LLC d/b/a Pilot Flying J and Myra L. Dixon.

AND IT IS SO ORDERED.

Brooks P. Goldsmith
Judge, Court of Common Pleas for
Lexington County

October _____ 2021

Lexington Common Pleas

Case Caption: Ray Fowler VS Pilot Travel Centers Llc , defendant, et al

Case Number: 2019CP3200607

Type: Order/Summary Judgment

It is so Ordered

Brooks P. Goldsmith, Circuit Court Judge